

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CRIMINAL JURISDICTION**

CRIMINAL APPLICATION NO.7229 OF 2005
IN
CRIMINAL APPEAL NO.357 OF 2005

Akalesh Kumae @ Mithun Sharad Mishra.

...Applicant.

Vs.

The State of Maharashtra.

...Respondent, .

Mrs. I.M. Koparkar for the Applicant.
Mrs. U.V. Kejriwal, A.P.P. for the State.

**CORAM: J.N. PATEL &
R.S. MOHITE, JJ.
DATED :10TH JANUARY, 2007.**

P.C.

1. Heard.

2. This is an application for bail preferred by the accused through jail. It is the case of the applicant that he may be either released on bail or hearing of the appeal may be expedited. It is the prosecution case that the applicant along with one another assaulted one Aziz by means of knife on 11.1.1996 at about 6.00a.m. near the public toilet. The Trial Court acquitted the accused No.1 and convicted the appellant for offence punishable under Section 302 of the Indian Penal Code and sentenced him to suffer rigorous imprisonment for

life and to pay a fine of Rs.100/- in default to suffer further rigorous imprisonment for one month more by Judgment and order dated 24.9.1998.

3. It is submitted by the learned counsel appearing for the appellant that the appellant is languishing in jail from the year 1996 and therefore, his case may be considered for suspension of sentence, so also he may be released on bail as he belongs to Madhya Pradesh to look after his family members.

3. We have examined the case and find that the appellant is the author of the injuries and caused injuries to the deceased Aziz by means of knife. The prosecution has established the case against the appellant by examining the eye witnesses and other evidence on record. The appeal is of the year 2005 and therefore, we do not think that this is a fit case where the substantive sentence of the appellant can be suspended and he does not deserve to be released on bail. Therefore, bail application is rejected. The appeal to be heard in due course.

(J.N. PATEL, J.)

:3:

(R. S. MOHITE, J.)